

ORDINANCE NO. 1559

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AN UNCODIFIED URGENCY ORDINANCE OF THE LODI CITY COUNCIL
AMENDING M D I MUNICIPAL CODE CHAPTER 13.16,
RELATING TO COMMERCIAL SOLID WASTE COLLECTION MONTHLY RATES

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BE IT ORDAINED BY THE LODI CITY COUNCIL.

SECTION 1. Lodi Municipal Code Chapter 13.16 - SOLID WASTE - as it relates to commercial solid waste collection monthly rates is hereby amended to read as follows:

Monthly rates.

A. The monthly rates to be charged for garbage collection service shall be as follows:

1. For owners or tenants of business houses, the monthly rates shall be:

a. As set forth in the Commercial Rate Structure schedule attached, when commercial bin service is requested.

b. Forty-five dollars (\$45.00) per month for once per week collection, when a commercial waste cart provided by the contractor of ninety-five gallons and not to exceed one hundred and fifty pounds is requested.

B. All of the rate schedules set forth in this section shall be effective on all bills which are prepared on or after November 1, 1992.

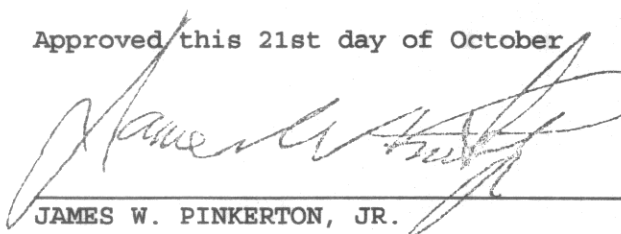
The above rates reflect the first in a series of rate adjustments. A second adjustment may be effective on all bills which are prepared on or after April 1, 1993.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. This is an urgency ordinance under Government Code Section 36934, and is based on health, safety and welfare considerations arising from the need to collect appropriate fees for waste removal.


SECTION 4. This urgency ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect immediately.

Approved this 21st day of October



JAMES W. PINKERTON, JR.
MAYOR

Attest:


ALICE M. REIMCHE
City Clerk

State of California
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1559 was adopted as an urgency ordinance at a regular meeting of the City Council of the City of Lodi held October 21, 1992, and was thereafter passed, adopted and ordered to print by the following vote:


Ayes: Council Members - Hinchman, Pennino, Snider and
Pinkerton (Mayor)

Noes: Council Members - Sieglock

Absent: Council Members - None

Abstain: Council Members - None

I further certify that Ordinance No. 1559 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.


ALICE M. REIMCHE
City Clerk

Approved as to Form



BOBBY W. McNATT
City Attorney

ORD1559/TXTA.02J

COMMERCIAL RATE STRUCTURE SCHEDULE

| # of Bins | Total Capacity of Bins | Frequency / Week | | | | | |
|-----------------|------------------------------|------------------|------------|------------|------------|-------------|-------------|
| | | 1 | 2 | 3 | 4 | 5 | 6 |
| Bin Size: | 1 | | | | | | |
| 1 | 1 | \$76.43 | \$152.86 | \$366.24 | \$670.81 | \$1,066.89 | \$1,554.17 |
| 2 | 2 | \$116.34 | \$232.68 | \$513.35 | \$903.59 | \$1,403.39 | \$2,012.74 |
| 3 | 3 | \$156.25 | \$312.50 | \$660.47 | \$1,136.27 | \$1,739.88 | \$2,471.32 |
| 4 | 4 | \$196.16 | \$392.31 | \$807.59 | \$1,368.84 | \$2,076.38 | \$2,929.89 |
| 5 | 5 | \$236.07 | \$472.13 | \$954.71 | \$1,601.62 | \$2,412.88 | \$3,388.47 |
| 6 | 6 | \$275.98 | \$551.95 | \$1,101.82 | \$1,834.30 | \$2,749.37 | \$3,847.04 |
| 7 | 7 | \$315.88 | \$631.77 | \$1,248.94 | \$2,066.97 | \$3,085.87 | \$4,305.62 |
| 8 | 8 | \$355.79 | \$711.59 | \$1,396.06 | \$2,289.65 | \$3,422.38 | \$4,764.19 |
| 9 | 9 | \$395.70 | \$791.41 | \$1,543.18 | \$2,532.33 | \$3,758.88 | \$5,222.77 |
| 10 | 10 | \$435.61 | \$871.22 | \$1,090.29 | \$2,765.00 | \$4,093.33 | \$5,681.34 |
| Bin Size: | 2 | | | | | | |
| 1 | 2 | \$107.21 | \$214.42 | \$458.57 | \$794.03 | \$1,220.70 | \$1,738.85 |
| 2 | 4 | \$177.80 | \$355.79 | \$688.03 | \$1,149.83 | \$1,711.18 | \$2,382.10 |
| 3 | 6 | \$248.59 | \$497.17 | \$937.49 | \$1,505.62 | \$2,201.57 | \$3,025.35 |
| 4 | 8 | \$319.27 | \$638.55 | \$1,176.94 | \$1,861.41 | \$2,691.96 | \$3,668.00 |
| 5 | 10 | \$389.88 | \$779.92 | \$1,418.40 | \$2,217.21 | \$3,182.36 | \$4,311.85 |
| 6 | 12 | \$460.65 | \$921.30 | \$1,655.85 | \$2,573.00 | \$3,672.76 | \$4,955.10 |
| 7 | 14 | \$531.34 | \$1,062.68 | \$1,895.31 | \$2,928.79 | \$4,183.14 | \$5,598.35 |
| 8 | 16 | \$602.03 | \$1,204.06 | \$2,134.76 | \$3,284.59 | \$4,653.53 | \$6,241.80 |
| 9 | 18 | \$672.72 | \$1,345.43 | \$2,374.22 | \$3,640.38 | \$5,143.92 | \$6,884.85 |
| 10 | 20 | \$743.40 | \$1,486.81 | \$2,613.67 | \$3,996.17 | \$5,634.32 | \$7,528.10 |
| Bin Size: | 3 | | | | | | |
| 1 | 3 | \$137.99 | \$275.98 | \$550.91 | \$917.15 | \$1,374.69 | \$1,923.52 |
| 2 | 6 | \$239.46 | \$478.91 | \$882.71 | \$1,396.06 | \$2,018.97 | \$2,751.45 |
| 3 | 9 | \$340.92 | \$681.85 | \$1,214.50 | \$1,874.97 | \$2,663.26 | \$3,579.37 |
| 4 | 12 | \$442.39 | \$884.78 | \$1,546.29 | \$2,353.88 | \$3,307.55 | \$4,407.30 |
| 5 | 15 | \$543.86 | \$1,087.72 | \$1,878.08 | \$2,832.79 | \$3,951.84 | \$5,235.22 |
| 6 | 18 | \$645.33 | \$1,290.65 | \$2,209.88 | \$3,311.70 | \$4,596.13 | \$6,063.15 |
| 7 | 21 | \$746.79 | \$1,493.59 | \$2,541.67 | \$3,790.61 | \$5,240.41 | \$6,891.07 |
| 8 | 24 | \$848.26 | \$1,696.52 | \$2,873.46 | \$4,269.52 | \$5,884.70 | \$7,719.00 |
| 9 | 27 | \$949.73 | \$1,899.46 | \$3,205.26 | \$4,748.43 | \$6,528.89 | \$8,546.93 |
| 10 | 30 | \$1,051.20 | \$2,102.39 | \$3,537.05 | \$5,227.34 | \$7,173.28 | \$9,374.85 |
| Bin Size: | 4 | | | | | | |
| 1 | 4 | \$168.77 | \$337.53 | \$643.25 | \$1,040.27 | \$1,528.58 | \$2,108.20 |
| 2 | 8 | \$301.01 | \$602.03 | \$1,067.38 | \$1,642.29 | \$2,326.77 | \$3,120.80 |
| 3 | 12 | \$433.26 | \$866.52 | \$1,491.51 | \$2,244.32 | \$3,124.85 | \$4,133.40 |
| 4 | 16 | \$565.51 | \$1,131.02 | \$1,915.64 | \$2,846.35 | \$3,923.13 | \$5,146.00 |
| 5 | 20 | \$697.75 | \$1,395.51 | \$2,339.77 | \$3,448.38 | \$4,721.32 | \$6,158.60 |
| 6 | 24 | \$830.00 | \$1,660.00 | \$2,763.90 | \$4,050.40 | \$5,518.50 | \$7,171.20 |
| 7 | 28 | \$962.25 | \$1,924.50 | \$3,188.03 | \$4,652.43 | \$6,317.69 | \$8,183.80 |
| 8 | 32 | \$1,094.50 | \$2,188.99 | \$3,612.17 | \$5,254.46 | \$7,115.87 | \$9,196.40 |
| 9 | 36 | \$1,226.74 | \$2,453.49 | \$4,036.30 | \$5,856.49 | \$7,914.06 | \$10,209.00 |
| 10 | 40 | \$1,358.99 | \$2,717.98 | \$4,460.43 | \$6,458.51 | \$8,712.24 | \$11,221.61 |
| Bin Size: | 5 | | | | | | |
| 1 | 5 | \$199.55 | \$399.09 | \$735.59 | \$1,163.38 | \$1,682.48 | \$2,292.87 |
| 2 | 10 | \$362.57 | \$725.14 | \$1,252.06 | \$1,888.53 | \$2,634.56 | \$3,490.15 |
| 3 | 15 | \$525.80 | \$1,051.20 | \$1,768.52 | \$2,613.67 | \$3,586.64 | \$4,687.43 |
| 4 | 20 | \$688.82 | \$1,377.25 | \$2,284.99 | \$3,338.82 | \$4,538.72 | \$5,884.70 |
| 5 | 25 | \$851.85 | \$1,703.30 | \$2,801.48 | \$4,063.98 | \$5,490.80 | \$7,081.98 |
| 6 | 30 | \$1,014.88 | \$2,029.35 | \$3,317.93 | \$4,789.11 | \$6,442.88 | \$8,279.25 |
| 7 | 35 | \$1,177.70 | \$2,355.41 | \$3,834.40 | \$5,514.25 | \$7,394.96 | \$9,476.53 |
| 8 | 40 | \$1,340.73 | \$2,681.48 | \$4,350.87 | \$6,239.40 | \$8,347.04 | \$10,873.81 |
| 9 | 45 | \$1,503.76 | \$3,007.51 | \$4,867.34 | \$6,984.54 | \$9,299.12 | \$11,871.08 |
| 10 | 50 | \$1,666.78 | \$3,333.56 | \$5,383.80 | \$7,689.68 | \$10,251.20 | \$13,068.36 |
| Bin Size: | 6 | | | | | | |
| 1 | 6 | \$230.33 | \$460.65 | \$827.93 | \$1,286.50 | \$1,836.37 | \$2,477.55 |
| 2 | 12 | \$424.13 | \$848.26 | \$1,436.73 | \$2,134.78 | \$2,942.35 | \$3,859.50 |
| 3 | 18 | \$617.94 | \$1,235.87 | \$2,045.54 | \$2,983.02 | \$4,048.33 | \$5,241.45 |
| 4 | 24 | \$811.74 | \$1,623.48 | \$2,654.34 | \$3,831.28 | \$5,154.30 | \$6,623.40 |
| 5 | 30 | \$1,005.55 | \$2,011.09 | \$3,263.15 | \$4,679.55 | \$6,260.28 | \$8,005.38 |
| 6 | 36 | \$1,199.35 | \$2,398.71 | \$3,871.98 | \$5,527.81 | \$7,366.26 | \$9,387.31 |
| 7 | 42 | \$1,393.16 | \$2,786.32 | \$4,480.78 | \$6,376.07 | \$8,472.24 | \$10,769.28 |
| 8 | 48 | \$1,586.96 | \$3,173.93 | \$5,089.57 | \$7,224.33 | \$9,578.21 | \$12,151.21 |
| 9 | 54 | \$1,780.77 | \$3,561.54 | \$5,698.38 | \$8,072.59 | \$10,684.19 | \$13,533.16 |
| 10 | 60 | \$1,974.57 | \$3,949.15 | \$6,307.18 | \$8,920.85 | \$11,790.17 | \$14,915.12 |

completed in substantial conformance with the plans and specifications approved by the City Council.

The contract completion date was November 24, 1992, and the actual completion date was November 13, 1992. The final contract price was \$6,781.37. The difference between the contract amount and the final contract price is mainly due to minor differences between the bid item quantities and the actual construction quantities.

ACCEPTANCE OF IMPROVEMENTS UNDER LANE
LINE PAINTING, VARIOUS STREETS, 1992

CC-90 The City Council accepted the improvements for "Lane Line Painting, Various City Streets, 1992" and directed the Public Works Director to file a Notice of Completion with the County Recorder's Office.

The contract was awarded to Traffic Limited, Lodi on October 21, 1992, in the amount of \$18,788.34. The contract has been completed in substantial conformance with the specifications approved by the City Council on September 16, 1992.

The contract completion date was November 30, 1992.

FINDINGS FOR EXEMPTION UNDER PUBLIC
RESOURCES CODE

CC-6 The City Council was advised that on October 21, 1992, the
CC-22 (b) City Council adopted rates for residential and commercial
CC-56 solid waste collection in the City of Lodi. It has been
called to staff's attention that findings should have been
included in the record of this proceeding claiming an
exemption under Section 21080(b) of the Public Resources
Code. Section 21080(a) indicates that preparation of
environmental impact reports apply to discretionary
projects proposed to be carried out or approved by public
agencies. Section 21080(b) states, "This division shall
not apply to the following: (8) The establishment,
modification, structuring, restructuring, or approval of
rates, tolls, fares, or other charges by public agencies .
. ." To claim this exemption, the City has prepared
findings stating the basis for the claim.

(This agenda item was removed from the Consent Calendar and discussed and acted upon another segment of the agenda.)

Following discussion on motion of Council Member Snider, Mann second, the City Council adopted the following findings to be incorporated in the record of proceedings at its October 21, 1992 meeting:

The City Council of the City of Lodi hereby finds and declares pursuant to Public Resources Code Section 21080 that the refuse collection rates established in Ordinances 1558 and 1559 are necessary and reasonable for the usual operating expenses of the Franchisee, including employee wages and benefits and for the purpose of purchasing facilities, equipment, and materials necessary to implement and carry out a Council-mandated recycling program.

Mayor Pro Tempore Sieglock asked that the record show that he was not compromising his position as reflected on his vote on the adoption of Ordinance No. 1558 and 1559 in voting in favor of this matter.

RESOLUTION AMENDING REORGANIZATION
RESOLUTION NOS. 91-207, 92-16 and 92-54
(TOWNE RANCH, ROBERT BATCH AND CENTURY
MEADOWS) INDICATING THAT THE CITY OF
LODI DOES NOT SUCCEED TO THE WILLIAMSON
ACT CONTRACT ADOPTED

RESOLUTION NO. 92-192

CC-6
CC-8(a)
CC-300

The City Council was advised that at the time the present or past owners of the Towne Ranch, Robert Batch and Century Meadows Unit No. 3 projects applied for a Williamson Act contract with San Joaquin County, the City of Lodi protested the contract. By protesting the contract, it becomes cancelled upon annexation and the property owner pays no penalties.

A Williamson Act contract affords the agricultural property owner a property tax savings on the agricultural portion of the property. The contract is for ten years and self-renews annually until the owner indicates he does not wish to renew. If the contract is cancelled during its life, the property owner must pay penalties.

Although the City's protests of the contracts are of record, two title companies feel our Resolution of Reorganization (i.e. annexation) should indicate that the City does not succeed to the Williamson Act contract.

It should be noted that Jerry Scott, Executive Officer, San Joaquin Local Agency Formation Commission, indicates that the County Assessor has already cancelled the contract in conformance with law.

(This item was removed from the Consent Calendar and discussed and acted upon under another segment of the agenda.)

On motion of Council Member Davenport, Sieglock second, the City Council adopted Resolution No. 92-192 entitled, "A